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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,180	07/08/2003	Mitsushige Suzuki	056207.51068C1	7117
23911	7590	07/12/2004	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			ANDREA, BRIAN K	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,180

Applicant(s)

SUZUKI ET AL.

Examiner

Brian K Andrea

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 10-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/106,058.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
2. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
3. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
4. Claims 10-13 and 15-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, and 7 of U.S. Patent No. 6,628,226 to Suzuki et al. (hereinafter "'226 patent"). Although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations of claims 10-13 and 15-18 are present in claims 1, 6, and 7 of the '226 patent (see below).

Claims 10 and 15 are anticipated by claim 1 of the '226 patent. The '226 patent claims a vehicle onboard radar system (see column 9, line 6) comprising: a receiving and transmitting unit for receiving and transmitting a radio wave signal (see column 9, lines 10-11); a signal processing unit for processing said radio wave signal (see column 9, lines 13-14); and outer housing which is insulative, installs said signal processing unit therein, and has a conductive shielding layer inside thereof (see column 9, lines 16-17

and 22-24); an electrically conductive member which holds said receiving and transmitting unit, is arranged so as to block up an opening of said outer housing, and is connected to said conductive shielding layer (see column 9, lines 18-21); wherein said receiving and transmitting unit and said signal processing unit are electrically grounded to one of said conductive shielding layer and said electrically conductive member (see column 9, lines 25-28).

Claims 11 and 16 are anticipated by claim 6 of the '226 patent.

Claims 12 and 17 are anticipated by claim 7 of the '226 patent.

Claims 13 and 18 are anticipated by claim 1 of the '226 patent (see column 9, lines 16-17 and 22-24).

Allowable Subject Matter

5. Claim 14 is allowed.

Response to Arguments

6. Applicant's arguments filed 19 May 2004 have been fully considered but they are not persuasive. Applicant argues, on page 7 of the Reply to the Office Action, that "the outer housing of the Suzuki et al. ('226) radar is conductive, and the present invention is patentably distinct from the claims of and the disclosure provided by the Suzuki et al. ('226) patent relied on."

In response to this argument, the Examiner contends that the Suzuki patent ('226) does teach and claim an outer housing that is insulative and which has a

conductive shielding layer inside thereof, as claimed by the present application. Claim 1 of the Suzuki patent ('226) requires "an electrically conductive housing for accommodating [a] signal processing means therein" (see column 9, lines 16-17) in addition to "an insulating member for electrically isolating said electrically conductive housing and a vehicle body from each other" (see column 9, lines 22-24). The Suzuki claim, therefore, requires a housing which has an insulating member on the outside (the "outer housing" as claimed in the present application) and a conductive housing (the "conductive shielding layer" as claimed in the present application). This can further be seen by examining Figure 3a of the Suzuki patent. Numeral 2 denotes an interior conductive wall (see column 5, lines 40-41) and numeral 30 denotes an insulative outer wall (see column 5, lines 42-44). Therefore, the obvious type double patenting rejection was appropriate.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Andrea whose telephone number is (703) 605-4245. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BA

BA
30 June 2004


BERNARR E. GREGORY
PRIMARY EXAMINER

A. U. 3662